

Exhibit 3

Patrick Barthle x2219

From: John Russell <jrussell@gablelaw.com>
Sent: Monday, December 11, 2023 10:11 AM
To: Patrick Barthle x2219; Francisco, Michael; Brody, Michael A.
Cc: Brad Barron; Tammy Craig x3473
Subject: *EXT* RE: Foster v Verizon - response to RFP

CAUTION: Use caution when clicking on links or opening attachments in this external email.

Patrick,

10:30 ET on Thursday works for us. Please send around a meeting invite for that time.

Best regards,
John Russell

John Russell | Shareholder | GableGotwals

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110 N. Elgin Ave., Ste. 200

Tulsa, OK 74120-1495 | USA | [Bio](#) | [Download vcard](#) | www.gablelaw.com | [f](#) [in](#) [X](#)



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From: Patrick Barthle x2219 <PBarthle@forthepeople.com>
Sent: Friday, December 8, 2023 3:37 PM
To: Francisco, Michael <MFrancisco@mcguirewoods.com>; John Russell <jrussell@gablelaw.com>; Brody, Michael A. <MBrody@mcguirewoods.com>
Cc: Brad Barron <bbarron@barronlawfirmok.com>; Tammy Craig x3473 <tcraig@forthepeople.com>
Subject: RE: Foster v Verizon - response to RFP

External email – beware of links and attachments

Mid-morning Thursday works. Say, 10:30 AM Eastern?

Patrick Barthle

Attorney

[My Bio](#)

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A referral is the best compliment. If you know anyone that needs our help, please have them call our office 24/7.

From: Francisco, Michael <MFrancisco@mcguirewoods.com>
Sent: Friday, December 8, 2023 3:22 PM
To: Patrick Barthle x2219 <PBarthle@forthepeople.com>; John Russell <jrussell@gablelaw.com>; Brody, Michael A. <MBrody@mcguirewoods.com>
Cc: Brad Barron <bbarron@barronlawfirmok.com>
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Patrick,

Thanks for reaching out. The inadvertent signature issue has been addressed (see attached).

We can be available to confer next Thursday all day other than 1:00 to 3:30 (eastern), or Friday other than 9:00 – 10:00 (eastern). I'm traveling out of state the earlier part of the week, thus a little more delay than usual.

Please provide a time or send an invite that works for you.

Regards,
Michael

Michael Francisco

Partner
McGuireWoods LLP
T: +1 202 857 1722 | M: +1 303 746 1967
mfrancisco@mcguirewoods.com

From: Patrick Barthle x2219 <PBarthle@forthepeople.com>
Sent: Thursday, December 7, 2023 5:50 PM
To: Francisco, Michael <MFrancisco@mcguirewoods.com>; John Russell <jrussell@gablelaw.com>; Brody, Michael A. <MBrody@mcguirewoods.com>
Cc: Brad Barron <bbarron@barronlawfirmok.com>
Subject: RE: Foster v Verizon - response to RFP

****EXTERNAL EMAIL; use caution with links and attachments****

Counsel,

We write today to schedule a meet and confer regarding a number of issues with your Responses and Objections. Please advise of your availability in the coming days.

First, the document sent to us was in Word, and was unsigned, in violation of Rule 26(g)(1).

Second, given the objections, we assume Verizon does not intend to produce anything, however, in accord with Rule 34(b)(2)(c), it is required to so state. Please confirm.

Third, several of your objections appear improper and unsupported. For instance, Verizon's first objection is that the request "seeks information that is protected by the work product doctrine, attorney-client privilege, and other privileges . . ." However, by definition such privileges cannot apply to the documents sought as the request seeks only documents Verizon already "provided to" the government. Thus, any claim of privilege that might have arguably applied to any such document would have been waived via the third-party disclosure. Likewise, Verizon's objections concerning overbreadth, burden, and relevance fail for the same reason—the request only seeks documents Verizon already collected, reviewed, and produced to the government concerning this case and the allegations therein. Moreover, boilerplate objections concerning burden/overbreadth/and the like—such as those here—fail to meet the standard of specificity required by Rule 34, specifically, that objections "state with specificity the grounds for objecting to the request, including the reasons." Fed. R. Civ. P. 34(b)(2)(B). Verizon's failure to provide a signed response, along with its "general or boilerplate objections, offered without explanation, may constitute a waiver of the responding party's right to object." *Howard v. Segway, Inc.*, 11-CV-688-GKF-PJC, 2013 WL 869955, at *3 (N.D. Okla. Mar. 7, 2013); *see also, e.g., Caves v. Beechcraft Corp.*, 15-CV-125-CVE-PJC, 2016 WL 355491, at *1 (N.D. Okla. Jan. 29, 2016) ("Objections to discovery requests must be stated with specificity. Mere boilerplate objections or the familiar litany of 'overly broad, vague or burdensome,' without more, is not sufficient.").

Fourth, Verizon appears to be taking the position that the pendency of its Motion to Stay Discovery serves as a viable objection. Based on Relator's past experience and research, Verizon is mistaken. *See Torres v. Wendy's Int'l, LLC*, 616CV210ORL40DCI, 2016 WL 7104870, at *3 n.1 (M.D. Fla. Nov. 29, 2016) (denying motion to stay discovery and noting that defendant, in citing its pending motion to stay as one of its objections, had "[i]n effect . . . granted its own motion to stay pending the Court's ruling on that motion").

Please provide whatever support you may have for the proposition that the pendency of a motion to stay discovery is a viable basis for an objection.

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Please see attached.

Michael

Michael Francisco

Partner

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